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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

--X CHAMILIA, LLC, Civil Action No.: : 04 CV 06017 (KMK) Plaintiff, -against-**ECF CASE** PANDORA JEWELRY, LLC, Defendant.

DECLARATION OF RICHARD R. HARRINGTON IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Richard R. Harrington does hereby declare:

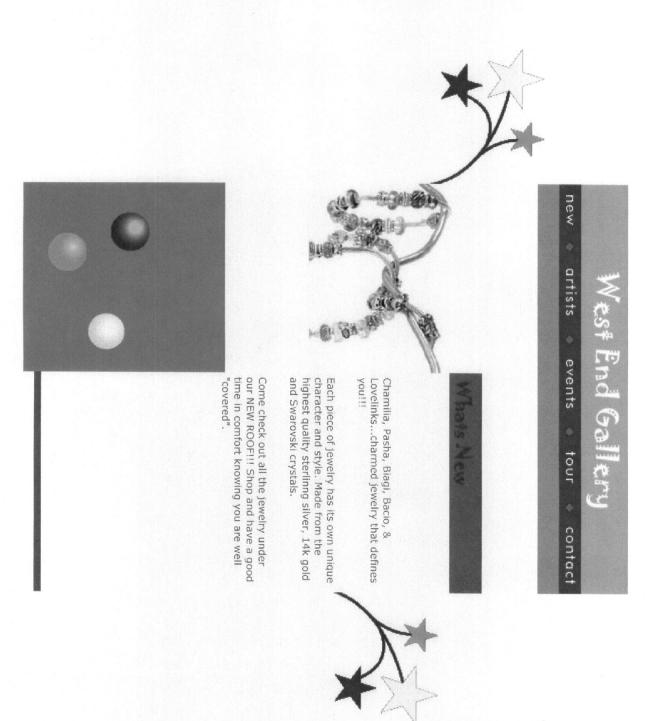
- 1. I submit this declaration in support of defendant's motion for summary judgment.
- 2. I am a private investigator working on behalf of Trademark Associates located in New York, New York.
- I have personal knowledge of the facts stated herein. 3.
- On July 8, 2005 I traveled to West End Gallery located at 48 Douglas Lane in 4. East Aurora, New York to determine whether the West End Gallery currently sells Chamilia jewelry products.

- 5. I was greeted and serviced by a clerk named Sue. I inquired about charm bracelets. Sue showed me two types of charm jewelry that are sold by West End Gallery. One type is called Love Links and the other is called Chamilia. West End Gallery maintains a display on the front counter with a post card that depicts Chamilia jewelry products.
- 6. My investigation revealed that West End Gallery advertises and sells an extensive line of Chamilia jewelry products.
- 7. Upon further investigation, I determined that West End Gallery maintains a web site located www.west-end-gallery.com on which West End Gallery advertises and sells Chamilia jewelry products.

I DECLARE under penalty of perjury that the foregoing is true and correct.

Dated: Buffalo New York July 15, 2005

Page 1 of 2



http://www.west-end-gallery.com/new.htm